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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,556	01/25/2002	Michael W. Wallace	3301-007	4673

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EXAMINER	
ABEL JALIL, NEVEEN	
ART UNIT	**PAPER NUMBER**
2165	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/057,556	WALLACE, MICHAEL W.	
	Examiner	Art Unit	
	Neveen Abel-Jalil	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/14/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. The Amendment filed on September 14, 2006 has been received and entered. Claims 1-16 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Contois (U.S. Patent No. 5,864,868).

As to claim 1, Contois discloses a method for selecting among multiply-categorized items, comprising:

storing within a memory a list of a plurality of media content items and associated top-level categories, including at least one having associated therewith two or more top-level categories (See column 5, lines 21-27, also see column 9, lines 43-51);

allowing selection under control of the processor by a user of two or more top-level categories from the list of categories stored in memory (See column 5, lines 21-27, also see column 9, lines 43-51);

selecting under control of the processor in a single compile a sub-list of only those media content items associated with all of the two or more top-level categories selected by the user (See column 5, lines 21-27, also see column 9, lines 43-51); and

presenting to the user on a display the sub-list of selected media content items (See Figure 2).

As to claim 11, Contois discloses comprising the steps of:

presenting on the display a submenu list associated with each of the plurality of media content one or more items (See Figure 6);

allowing selection by a user of one or more items from the submenu list (See column 4, lines 45-46); and

selecting and presenting to the user a list of only those media content items associated with all of the two or more top-level categories selected by the user that are also associated with the items selected from the submenu list (See column 5, lines 21-27, also see column 9, lines 43-51).

As to claim 12, Contois discloses wherein the step of allowing selection from the submenu list occurs after the step of allowing selection of the top-level categories (See Figure 6).

As to claim 13, Contois discloses wherein the step of allowing selection of items from the submenu list includes displaying the items to the user, wherein the items displayed is dependent upon the top-level categories selected by the user (See Figure 6).

As to claim 14, Contois discloses a method for selecting display content from a display screen, the method comprising the steps of:

displaying a list of top-level categories on a display screen (See Figure 2);

selecting at least two of the top-level categories from the list (See column 5, lines 21-27, also see column 9, lines 43-51); and

performing a single compile on the selected top-level categories (See column 5, lines 21-27, also see column 9, lines 43-51); and

presenting on the display screen content responsive to said selecting step (See column 5, lines 21-27, also see column 9, lines 43-51).

As to claim 15, Contois discloses further comprising the steps of:

selecting at least one item from a submenu list (See Figure 2); and

presenting on the display screen data associated with said selected item and said selected top-level categories (See Figure 2).

As to claim 16, Contois discloses wherein the step of presenting on the display screen content responsive to said selecting step includes the step of displaying of list of content associated with **all of** said top-level categories selected from the list (See column 5, lines 21-27, also see column 9, lines 43-51).

As to claim 17, Contois discloses wherein the step of presenting on the display screen content responsive to said selecting step includes the step of displaying of list of content associated with **exactly all** of said top-level categories selected from the list (See column 5, lines 21-27, also see column 9, lines 43-51).

As to claim 18, Contois discloses wherein the step of presenting on the display screen content responsive to said selecting step includes the step of displaying a list of content associated with **any one** or more top-level categories selected from the list (See Figure 6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 2-3, 5-10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contois (U.S. Patent No. 5,864,868) in view of May et al. (U.S. Patent No. 5,544,354).

As to claim 2, Contois does not teach wherein the top-level categories include "action".

May et al. teaches wherein the top-level categories include "action" (See May et al. figure 1, 2.2.6).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified Contois by the teaching of May et al. to include wherein the top-level categories includes "action" because it allows for targeted selection and user customization and introduction of viewer discretion, and it is well known in the art that categories can be user defined.

As to claim 3, Contois does not teach wherein the top-level categories includes "adventure".

May et al. teaches wherein the top-level categories includes "adventure" (See May et al. figure 1, 2.2.6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Contois by the teaching of May et al. to include wherein the top-level categories includes "adventure" because it allows for targeted selection and user customization and introduction of viewer discretion, and it is well known in the art that categories can be user defined.

As to claim 5, Contois does not teach wherein the top-level categories includes "comedy".

May et al. teaches wherein the top-level categories includes "comedy" (See May et al. figure 1, 2.2.3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Contois by the teaching of May et al. to include wherein the top-level categories includes "comedy" because it allows for targeted selection and user

customization and introduction of viewer discretion, and it is well known in the art that categories can be user defined.

As to claim 6, Contois does not teach wherein the top-level categories includes "drama".

May et al. teaches wherein the top-level categories includes "drama" (See May et al. figure 1, 2.2.9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Contois by the teaching of May et al. to include wherein the top-level categories includes "drama" because it allows for targeted selection and user customization and introduction of viewer discretion, and it is well known in the art that categories can be user defined.

As to claim 7, Contois does not teach wherein the top-level categories includes "foreign".

May et al. teaches wherein the top-level categories includes "foreign" (See May et al. figure 1D, 2.2.11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Contois by the teaching of May et al. to include wherein the top-level categories includes "foreign" because it allows for targeted selection and user customization and introduction of viewer discretion, and it is well known in the art that categories can be user defined.

As to claim 8, Contois does not teach wherein the top-level categories includes "musical".

May et al. teaches wherein the top-level categories includes "musical" (See May et al. figure 1, 2.2.10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Contois by the teaching of May et al. to include wherein the top-level categories includes "musical" because it allows for targeted selection and user customization and introduction of viewer discretion, and it is well known in the art that categories can be user defined.

As to claim 9, Contois does not teach wherein the top-level categories includes "sci-fi".

May et al. teaches wherein the top-level categories includes "sci-fi" (See May et al. figure 1, 2.2.8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Contois by the teaching of May et al. to include wherein the top-level categories includes "sci-fic" because it allows for targeted selection and user customization and introduction of viewer discretion, and it is well known in the art that categories can be user defined.

As to claim 10, Contois does not teach wherein the top-level categories includes "romance".

May et al. teaches wherein the top-level categories includes "romance" (See May et al. figure 1, 2.2.12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Contois by the teaching of May et al. to include wherein the top-level categories includes "romance" because it allows for targeted selection and user customization and introduction of viewer discretion, and it is well known in the art that categories can be user defined.

As to claim 19, Contois does not teach wherein the list of top level categories includes at least four of the following: action, adventure, adult, comedy, drama, foreign, musical, romance and sci-fi.

May et al. teaches wherein the list of top level categories includes at least four of the following: action, adventure, adult, comedy, drama, foreign, musical, romance and sci-fi (See May et al. figure 1D).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Contois by the teaching of May et al. to include wherein the list of top level categories includes at least four of the following: action, adventure, adult, comedy, drama, foreign, musical, romance and sci-fi because it allows for targeted selection and user customization and introduction of viewer discretion.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Contois (U.S. Patent No. 5,864,868) in view of Swix et al. (U.S. Patent No. 6,718,551 B1).

As to claim 4, May et al. does not teach wherein the top-level categories includes "adult".

Swix et al. teaches wherein the top-level categories include "adult" (See Swix et al. column 10, lines 40-46, also see Swix et al. figure 3, 302).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified May et al. by the teaching of Swix et al. to include wherein the top-level categories includes "adult" because it allows for targeted selection and user customization and introduction of viewer discretion.

Response to Arguments

7. Applicant's arguments filed on September 14, 2006 have been fully considered but they are not persuasive.

In response to Applicant's argument that "May et al.can't be altered or combined with another reference because of its use of "one-at-a-time" is acknowledged but not persuasive.

The May et al. reference was merely introduced (as stated in both is and the previous office actions) to teach the names of various media categories can includes action, adventure, foreign, adult, etc. and not to teach the "single compile a sub-list" as argued.

In response to Applicant's argument that "Contois performs a compile with each selection made and therefore cannot satisfy claim language of performing a single compile responsive to multiple selections. Contois explicitly states that selection of two or more top-level

categories within the same group results in a list containing entries which satisfy any of the selections (the logical OR operation)" is acknowledged but not persuasive.

Contois column 9, lines 42-51, and Figure 2, discloses the selection of "ALL" of individual items in the database.

Contois defined his top-level categories to be: categories of music, Artists, Songs, and Composers. Thus, once "Select All" is pressed, all fields that fall under all top-level categories will be displayed. A song that appears, will fall under the top-level categories of type of "music, Artist, Songs, composers, etc" since it fulfills all those categories in its listings. Thus reading on "AND operation". A song can fall under both categories "category of music" and "Artist" name thus fill-filling in a sub-list both top categories in a single list compiled (joint) from both data fields. The Examiner contends Contois teaches the argued limitaion.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil
October 2, 2006

FRANTZ COBY
PRIMARY EXAMINER